

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

GOLDEN BETHUNE-HILL, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF ELECTIONS,  
*et al.*,

Defendants,

v.

VIRGINIA HOUSE OF DELEGATES, *et al.*,

Intervenor-Defendants.

Civil Action No. 3:14-cv-00852-REP-  
GBL-BMK

**PLAINTIFFS' MOTION FOR EXPEDITED BRIEFING AND MEMORANDUM IN  
SUPPORT**

Pursuant to Local Civil Rule 7, Plaintiffs hereby move this Court for an order setting an expedited schedule for briefing regarding the effect of the U.S. Supreme Court's decision in *Bethune-Hill v. Virginia State Board of Elections*, No. 15-680, 2017 WL 774194 (Mar. 1, 2017), on this case. Plaintiffs respectfully request that this Court set the following briefing schedule:

- March 10, 2017: All parties' opening briefs are due.
- March 17, 2017: All parties' response briefs are due.<sup>1</sup>

The Supreme Court issued its decision on the appeal of this case on March 1, 2017.<sup>2</sup> It

---

<sup>1</sup> After conferring with legal counsel for Defendants and Defendant-Intervenors, Plaintiffs submit this motion without request for oral argument. Moreover, Plaintiffs respectfully request that the Court consider the parties' briefing on the impact of the Supreme Court's decision on this case and render its decision on remand without any further hearings or argument.

<sup>2</sup> See Exhibit A.

concluded that this Court applied an incorrect legal standard in determining that race did not predominate in eleven of the twelve challenged districts and remanded the case to this Court to resolve under the proper legal standard set forth by the Supreme Court. *Id.* at \*11.

Expedited briefing and decision in this case is necessary given that Virginia will hold its House of Delegates elections this year. This case involves questions of exceptional importance, including whether the Virginia House of Delegates map was unconstitutionally racially gerrymandered following the 2010 census, and whether a remedial map is necessary, that must be resolved as soon as is practicable to ensure that Virginia voters do not vote in another election under an unconstitutional map.

Accordingly, Plaintiffs respectfully request that the Court enter an order setting the expedited briefing schedule above. Plaintiffs have conferred with legal counsel for Defendants and Defendant-Intervenors, and understand that Defendant-Intervenors oppose the motion and Defendants neither support nor oppose the motion.

DATED: March 3, 2017

By: /s/ Aria C. Branch

Marc Erik Elias (admitted *pro hac vice*)  
Bruce V. Spiva (admitted *pro hac vice*)  
Elisabeth C. Frost (admitted *pro hac vice*)  
Aria C. Branch (VSB # 83682)  
**PERKINS COIE LLP**  
700 Thirteenth Street, N.W., Suite 600  
Washington, D.C. 20005-3960  
Telephone: 202.434.1627  
Facsimile: 202.654.9106

Kevin J. Hamilton (admitted *pro hac vice*)

Abha Khanna (admitted *pro hac vice*)

Ryan Spear (admitted *pro hac vice*)

William B. Stafford

(admitted *pro hac vice*)

**PERKINS COIE LLP**

1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099

Telephone: 206.359.8000

Facsimile: 206.359.9000

*Attorneys for Plaintiffs*

## CERTIFICATE OF SERVICE

On March 3, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Katherine Lea McKnight  
Richard Raile  
Baker & Hostetler LLP (DC)  
1050 Connecticut Ave NW  
Suite 1100  
Washington, DC 20036  
202-861-1504  
Fax: 202-861-1783  
[rraile@bakerlaw.com](mailto:rraile@bakerlaw.com)  
[kmcknight@bakerlaw.com](mailto:kmcknight@bakerlaw.com)

Effrem Mark Braden  
Baker & Hostetler LLP (DC-NA)  
Washington Square  
Suite 1100  
1050 Connecticut Ave NW  
Washington, DC 20036  
202-861-1504  
Fax: 202-861-1783  
[mbraden@bakerlaw.com](mailto:mbraden@bakerlaw.com)

Of counsel:

Dale Oldham, Esq.  
1119 Susan St.  
Columbia, SC 29210  
803-772-7729  
[dloesq@aol.com](mailto:dloesq@aol.com)

*Attorneys for Defendant-Intervenors*

Jeffrey P. Brundage  
Daniel Ari Glass  
Kathleen Angell Gallagher  
Eckert Seamans Cherin & Mellott LLC  
1717 Pennsylvania Ave NW, Suite 1200  
Washington, D.C. 20006  
202-659-6600  
Fax: 202-659-6699  
[jbrundage@eckertseamans.com](mailto:jbrundage@eckertseamans.com)  
[dglass@eckertseamans.com](mailto:dglass@eckertseamans.com)  
[kgallagher@eckertseamans.com](mailto:kgallagher@eckertseamans.com)

Godfrey T. Pinn, Jr.  
Harrell & Chambliss LLP  
Eighth and Main Building  
707 East Main Street  
Suite 1000  
Richmond, VA 23219  
[gpinn@hclawfirm.com](mailto:gpinn@hclawfirm.com)

Anthony F. Troy  
Eckert Seamans Cherin & Mellott LLC  
707 East Main Street  
Suite 1450  
Richmond, Virginia 23219  
804-788-7751  
Fax: 804-698-2950  
[ttroy@eckertseamans.com](mailto:ttroy@eckertseamans.com)

Stuart A. Raphael  
Trevor B. Cox  
Matthew R. McGuire  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219  
804-786-7773  
[sraphael@oag.state.va.us](mailto:sraphael@oag.state.va.us)  
[tcox@oag.state.va.us](mailto:tcox@oag.state.va.us)  
[mmcguire@oag.state.va.us](mailto:mmcguire@oag.state.va.us)

*Attorneys for Defendants*

By /s/ Aria C. Branch  
Aria C. Branch (VSB #83682)  
Perkins Coie LLP  
700 13th St. N.W., Suite 600  
Washington, D.C. 20005-3960  
Phone: (202) 654-6338  
Fax: (202) 654-9106  
ABranch@perkinscoie.com

*Attorneys for Plaintiffs*